

# SENATE BILL 912

J1, M4, L1

0lr2579  
CF HB 1070

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By: **Senators Brinkley, Colburn, Dyson, Edwards, Middleton, and Mooney**

Introduced and read first time: February 17, 2010

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Farmer's Markets – Sale of Poultry and Rabbits**

3 FOR the purpose of altering a certain definition to exclude the sale of certain poultry  
4 or rabbit products at a farmer's market from regulation as a food service facility;  
5 clarifying that a license is not required to deliver prepackaged food products;  
6 providing that a license is not required for certain sales of a poultry product or a  
7 rabbit product if the farm on which the product was raised is not subject to  
8 certain federal regulation; prohibiting a local jurisdiction from requiring a  
9 license for the sale of certain poultry and rabbit products at a farmer's market;  
10 defining certain terms; making conforming changes; making a stylistic change;  
11 and generally relating to the sale of raw poultry and rabbits at farmer's  
12 markets.

13 BY repealing and reenacting, with amendments,  
14 Article – Health – General  
15 Section 21–301(h)(2), 21–304, and 21–308(c)  
16 Annotated Code of Maryland  
17 (2009 Replacement Volume)

18 BY adding to  
19 Article – Health – General  
20 Section 21–309.1  
21 Annotated Code of Maryland  
22 (2009 Replacement Volume)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Health – General**

26 21–301.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (h) (2) “Food service facility” does not include:

2 (i) A kitchen in a private home where food is prepared at no  
3 charge for guests in the home, for guests at a social gathering, or for service to  
4 unemployed, homeless, or other disadvantaged populations; [or]

5 (ii) A food preparation or serving area where only  
6 nonpotentially hazardous food, as defined by the United States Food and Drug  
7 Administration, is prepared or served only by an excluded organization; OR

8 (III) A LOCATION IN A FARMER’S MARKET WHERE POULTRY  
9 OR RABBITS ARE SOLD IN ACCORDANCE WITH § 21–309.1 OF THIS SUBTITLE.

10 21–304.

11 (a) (1) The Department shall adopt rules and regulations necessary to  
12 carry out the provisions of this subtitle.

13 (2) For excluded organizations, the Department:

14 (i) Shall adopt separate regulations that establish minimum  
15 standards that:

16 1. Ensure food integrity and safety;

17 2. Preserve public health; and

18 3. Control foodborne illnesses; and

19 (ii) May adopt separate regulations that establish a licensing  
20 system, with appropriate standards, that excluded organizations may voluntarily  
21 choose to submit to as a nonrescindable alternative to regulation under  
22 [subparagraph] ITEM (i) of this paragraph.

23 (b) A political subdivision may not adopt a law, ordinance, rule, or regulation  
24 that establishes a standard that is less stringent than rules and regulations adopted  
25 under this subtitle.

26 (c) Except as otherwise provided in this section AND § 21–309.1 OF THIS  
27 SUBTITLE, this subtitle does not limit the power of a home rule or charter county or  
28 Baltimore City to adopt and enforce laws, ordinances, and regulations that are  
29 consistent with the purposes of this subtitle, including the power to adopt local  
30 licensing and enforcement procedures.

31 21–308.

1 (c) (1) An on-farm home processing facility may obtain an on-farm home  
2 processing plant license for a fee established in regulations.

3 (2) An on-farm home processing facility that obtains an on-farm home  
4 processing plant license may manufacture or process only foods provided for in  
5 regulations of the Department.

6 (3) A LICENSE OR PERMIT IS NOT REQUIRED TO DELIVER  
7 PREPACKAGED FOODS TO FILL AN ORDER OF A CUSTOMER.

8 **21-309.1.**

9 (A) (1) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE  
10 MEANINGS INDICATED.

11 (2) "FARMER'S MARKET" MEANS A PUBLIC MARKET IN THE  
12 STATE WHERE PRODUCERS OF FRESH RAW AGRICULTURAL PRODUCTS SELL  
13 THE PRODUCTS DIRECTLY TO THE PUBLIC.

14 (3) "POULTRY PRODUCT" MEANS ANY WHOLE CARCASS OF A  
15 BIRD:

16 (I) RAISED ON A FARM IN ACCORDANCE WITH TITLE 4 OF  
17 THE AGRICULTURE ARTICLE; AND

18 (II) THAT IS OWNED BY AND HAS BEEN RAISED,  
19 SLAUGHTERED, AND PROCESSED BY THE SELLER.

20 (4) "RABBIT PRODUCT" MEANS ANY WHOLE CARCASS OF A  
21 RABBIT:

22 (I) RAISED ON A FARM IN ACCORDANCE WITH TITLE 4 OF  
23 THE AGRICULTURE ARTICLE; AND

24 (II) THAT IS OWNED BY AND HAS BEEN RAISED,  
25 SLAUGHTERED, AND PROCESSED BY THE SELLER.

26 (B) A LICENSE IS NOT REQUIRED FOR A PERSON TO SELL A POULTRY  
27 PRODUCT OR A RABBIT PRODUCT AT A FARMER'S MARKET IN THE STATE IF THE  
28 FARM PRODUCT ON WHICH THE POULTRY OR RABBIT WAS RAISED IS EXEMPT  
29 FROM REGULATION BY THE UNITED STATES DEPARTMENT OF AGRICULTURE.

1           **(C) A LOCAL JURISDICTION MAY NOT REQUIRE A LICENSE FOR THE**  
2 **SALE OF A POULTRY PRODUCT OR A RABBIT PRODUCT AT A FARMER'S MARKET**  
3 **IF A LICENSE IS NOT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2010.